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BANK OF AMERICA, N.A.
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9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

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13 BANK OF AMERICA, N.A.

14 Plaintiff,

15 vs.

16 SAMUEL R. BAILEY, an individual; PETE G.
17 AGUILAR, an individual; and DOES 1 through
10, inclusive,

18 Defendants.
19

20 SAMUEL R. BAILEY,

21 Defendant/Counterclaimant,

22 vs.

23 BANK OF AMERICA, N.A., WESTCOR LAND
24 TITLE INSURANCE COMPANY, a Florida
corporation; and NEVADA TITLE COMPANY, a
25 Nevada Corporation;

26 Counterdefendants.
27

28 Plaintiff/Counterdefendant, Bank of America, N.A. (hereinafter "BANA" or "Plaintiff"),
by and through its counsel of record, Rachel E. Donn, Esq. of HOLLEY DRIGGS WALCH

CASE NO. 2:14-cv-00885-JCM-GWF

**STIPULATION AND ~~(PROPOSED)~~
ORDER TO EXTEND DEADLINE
TO FILE PRETRIAL ORDER**

**(EIGHTH DISCOVERY
DEADLINE REQUEST)**

1 FINE WRAY PUZEY & THOMPSON and Defendant/Counterclaimant SAMUEL R. BAILEY
2 (hereinafter “Bailey” or “Defendant”), by and through his counsel of record, Frank M.
3 Flansburg, III, Esq. of SCHWARTZ FLANSBURG PLLC hereby agree and stipulate to extend
4 the deadline to file the Pretrial Order which is currently due on July 21, 2017 as follows:

5 Based on the following, the parties hereto respectfully request an extension to file the
6 Pretrial Order 30 days after ruling on Plaintiff BANA’s Motion to Bifurcate Trial (ECF No. 77)
7 filed on July 19, 2017, as follows:

- 8 1. The Parties stipulated to new deadlines on August 5, 2016 (ECF No. 64).
- 9 2. Thereafter, the Parties attended a Mediation at which some of the claims were
10 resolved.
- 11 3. Between Plaintiff/Counterdefendant BANA and Defendant/Counterclaimant
12 Bailey, the case was not resolved.
- 13 4. Following the Mediation, Defendant/Counterclaimant Bailey took the deposition
14 of the 30(b)(6) designee for Plaintiff/Counterdefendant BANA. The date for the
15 30(b)(6) deposition had been set prior to Mediation and was set forth and
16 contemplated in the August 5, 2016 discovery stipulation (EFC No. 64).
- 17 5. The Parties are working together to determine whether any additional discovery
18 may be produced following the deposition and may lead to a potential discovery
19 motion.
- 20 6. Because the deposition transcript was received on October 6, 2016, the Parties
21 have agreed to extend the time for which to file discovery motions. This
22 extension will change the deadline for discovery motions from October 7, 2016 to
23 October 14, 2016.
- 24 7. Plaintiff/Counterdefendant BANA filed a Motion for Summary Judgment on
25 October 14, 2016 (ECF No. 68).
- 26 8. Defendant/Counterclaimant Bailey filed a Motion for Summary Judgment on
27 October 31, 2016 (ECF No. 70).
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- 1 9. On June 22, 2017, the Court granted in part and denied in part
2 Plaintiff/Counterdefendant BANA's Motion for Summary Judgment (ECF No.
3 76).
4 10. On June 22, 2017, the Court denied Defendant/Counterclaimant Bailey's Motion
5 for Summary Judgment (ECF No. 76).
6 11. On July 19, 2017, BANA filed a Motion to Bifurcate Trial (ECF No. 77).
7 12. On August 2, 2017 Bailey filed a Response to Motion to Bifurcate Trial (ECF No.
8 80).
9 13. On August 18, 2017, BANA filed a Reply to its Motion to Bifurcate Trial (ECF
10 No. 84).
11 14. On August 18, 2017, the Court granted a Stipulation to Extend Time to Reply to
12 Motion to Bifurcate (ECF No. 85).

13 **LR26-4 statement:**

14 Good cause and/or excusable neglect exist to extend Pretrial Order deadline because
15 based on the Court's ruling of BANA's Motion to Bifurcate (ECF No. 77), the ruling can affect
16 the scope of the Pretrial Order and the parties are in settlement discussions at this time.

17 The current deadline to file the Pretrial Order is September 4, 2017 and the Parties
18 request that the deadline to file the Pretrial Order be continued for 30 days from the ruling on the
19 Motion to Bifurcate Trial (ECF No. 77).

20 **IT IS SO STIPULATED.**

<p>21 Dated this 5th day of September, 2017</p> <p>22 HOLLEY DRIGGS WALCH FINE</p> <p>23 WRAY PUZEY & THOMPSON</p> <p>24 By: <u>/s/ Rachel E. Donn</u></p> <p>25 Glenn F. Meier, Esq.</p> <p>26 Nevada Bar No. 006059</p> <p>27 Rachel E. Donn, ESQ.</p> <p>28 Nevada Bar No. 010568</p> <p> 400 S. Fourth St, 3rd Fl.</p> <p> Las Vegas, Nevada 89101</p> <p> Attorneys for Plaintiff-Counterdefendant</p> <p> Bank of America, N.A.</p>	<p>21 Dated this 5th day of September, 2017</p> <p>22 SCHWARTS FLANSBURG PLLC</p> <p>23 </p> <p>24 By: <u>/s/ Frank M. Flansburg</u></p> <p>25 Frank M. Flansburg, Esq.</p> <p>26 Nevada Bar No. 6974</p> <p>27 6623 Las Vegas Blvd., Suite 300</p> <p>28 Las Vegas, NV 89119</p> <p> Attorneys for Defendant/Counterclaimant</p> <p> Samuel R. Bailey</p>
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ORDER

Based on the foregoing, **IT IS SO ORDERED** that the time to file the Pretrial Order be extended from the current deadline of September 4, 2017 until 30 days after the ruling of BANA's Motion to Bifurcate Trial (EFC No. 77).

DATED this 18 day of September, 2017.


UNITED STATES MAGISTRATE JUDGE

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of September, 2017, a true copy of the
**STIPULATION AND (PROPOSED) ORDER TO EXTEND DEADLINE TO FILE
PRETRIAL ORDER (EIGHTH DISCOVERY DEADLINE REQUEST)** was served upon
each of the parties via electronic service through the United States District Court of the District
of Nevada's ECF system:

Frank M. Flansburg, Esq. Brian Blankenship, Esq. Schwartz Flansburg PLLC 6623 Las Vegas Blvd., Suite 300 Las Vegas, NV 89119 T: (702) 385-5544 Emails: frank@nvfirm.com brian@nvfirm.com Attorneys for Defendant/Counterclaimant Samuel R. Bailey	
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Donna Wittig, Esq. AKERMAN LLP 1160 Town Center Drive, Suite 330 Las Vegas, Nevada 89144 Email: donna.wittig@akerman.com Associate Counsel for: Plaintiff/ Counterdefendant Bank of America, N.A.	
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/s/ S. Renee Hoban
an employee of Holley Driggs Walch Fine
Wray Puzey & Thompson